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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/883,724      | 06/18/2001  | Bruno Richard        | B-4215 618883-0     | 2443             |

22879                      7590                      01/27/2006

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EXAMINER

KISS, ERIC B

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2192

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/883,724 | <b>Applicant(s)</b><br>RICHARD ET AL. |  |
|                              | <b>Examiner</b><br>Eric B. Kiss      | <b>Art Unit</b><br>2192               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 28 October 2005.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-9 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-9 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The reply filed 28 October 2005 has been received and entered. Claims 1-9 are pending.

***Response to Amendment***

2. Applicant's amendments to the Abstract appropriately address the objection to the specification. Accordingly, this objection is withdrawn.

***Response to Arguments***

Applicant's arguments, see pp. 3-5, filed 28 October 2005, with respect to the rejection(s) of claims 1-9 under 35 U.S.C. §§ 102(b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of newly discovered prior art.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,418,554 (Delo et al.).

As per claim 1, *Delo et al.* discloses:

associating an executable file from a shared resource on a network with a remote client at the direction of an administrator console on the network, the executable file being adapted for

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controlling a local setup procedure under the form of a low level service which is available in the operating system of the client for local background tasks and routines and further being associated with a description contained within a description file present on the shared resource (see, for example, col. 6, lines 31-55; and col. 15, lines 27-48); and

starting said executable file so that it becomes available to said remote client as a local low level service and permits the automatic launching of a local setup procedure in accordance with the contents of said description file (see, for example, col. 15, lines 27-48; and col. 17, lines 30-33).

As per claim 2, *Delo et al.* discloses:

associating an executable file from a shared resource on a LAN with a remote PC client at the direction of an administrator console on the LAN, the executable file being adapted for controlling a local setup procedure under the control of an operating system service control manager and in accordance with a description contained within a description file present on the shared resource, said executable file receiving the format of an operating system service (see, for example, col. 6, lines 31-55; and col. 15, lines 27-48); and

starting said executable file so that it becomes available to said PC client as an operating system service and permits the launching of a local setup procedure within said PC client in accordance with the contents of said description file (see, for example, col. 15, lines 27-48; and col. 17, lines 30-33).

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As per claims 3, *Delo et al.* further discloses said executable file having an entry point which is a service entry and which is further registered by said operating system service control manager with a command line option which refers to said description file (see, for example, col. 17, lines 30-33).

As per claim 4, *Delo et al.* further discloses said description file containing a list of the installation files required for a local setup procedure plus an additional line defining the command which is to be entered for executing an unattended setup procedure of said software application (see, for example, col. 17, lines 30-33; see further, the discussion of the Windows installer (MSI) APIs, beginning in col. 17, line 41).

As per claim 8, *Delo et al.* discloses:

associating an executable file from a shared resource on a network at the direction of an administrator console as an operating system service under the control of an operating system service control manager with a PC client, said executable file controlling the local setup procedure of a software application in unattended mode in accordance with a description defined by a description file present on said shared resource (see, for example, col. 6, lines 31-55; and col. 15, lines 27-48); and

starting said executable file as an operating system service for the purpose of launching the setup procedure within said PC client (see, for example, col. 15, lines 27-48; and col. 17, lines 30-33).

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As per claim 9, *Delo et al.* discloses:

associating an executable file from shared resources at the direction of an administrator console, said executable file installed as an operating system service under the control of an operating system service control manager with a PC client (see, for example, col. 6, lines 31-55; and col. 15, lines 27-48); and

starting said installed service for the purpose of automatically triggering the execution of said executable file (see, for example, col. 15, lines 27-48; and col. 17, lines 30-33).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Delo et al.* in view of US 5,742,286 (*Kung et al.*).

As per claim 5, *Delo et al.* fails to expressly disclose a GUI for providing a list of software applications and a list of clients, with a drag-and-drop mechanism for initiating a remote setup procedure. However, *Kung et al.* teaches such a GUI and corresponding functionality in a remote setup environment (see, for example, Figs. 2A-2J, and the associated text). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the process of *Delo et al.* to include such a GUI. One

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would be motivated to do so to facilitate easier management of such remote installation procedures.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Delo et al.* in view of US 5,742,286 (Kung et al.) and US 5,881,236 (Dickey).

As per claim 6, *Delo et al.* fails to expressly disclose such prompting the user for context information along with password and ID verification. However, *Dickey* teaches such prompting and verification steps (see, for example, Figs. 3-8, and the associated text). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to further modify the process of *Delo et al.* to include such prompting and verification. One would be motivated to do so to provide additional security in remote installation.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Delo et al.* in view of admitted prior art.

As per claim 7, although *Delo et al.* fails to expressly disclose such use of a wake-on-LAN function, such functionality is admitted prior art. Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the process of *Delo et al.* to include such a wake-on-LAN function as an advantageous known means of modifying a client PC.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:  
571-272-2100.

EBK/EBK  
January 23, 2006

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER